

TEXAS RADIATION ADVISORY BOARD ANNUAL REPORT FISCAL YEAR 2000

The report summarizes the past year of Texas Radiation Advisory Board (TRAB) activities and is required by 25 T.A.C. 289.130.

I. Dates of meetings of the Texas Radiation Advisory Board (TRAB)

Meeting Date	Committee Meeting
September 25, 1999	TRAB
November 6, 1999	TRAB
January 29, 2000	TRAB
April 15, 2000	TRAB
March 10, 2000	Waste & Industrial
July 22, 2000	TRAB

II. Attendance

Date of Meeting	Attending	Absent
September 25, 1999	Jimmy L. Barker, P.E.; Thomas M. Burnette; Earl P. Erdmann; Michael S. Ford, C.H.P.; David N. Henkes, M.D.; W. Kim Howard, M.D.; Glen K. King, D.V.M.; Dale E. Klein, Ph.D., P.E.; Jack S. Krohmer, Ph.D.; Justin P. LeVasseur, M.D. Odis R. Mack; Troy Marceleno, P.E.	Susan E. Best, M.D., Ph.D.; Donald S. Butler; Bruce A. Matson, D.D.S.; Connie Rogers; William R. Underdown; Philip M. Wentworth
November 6, 1999	Jimmy Barker, P.E.; Susan E. Best, M.D., Ph.D.; W. Kim Howard, M.D.; Glen K. King., D.V.M.; Dale E. Klein, Ph.D., P.E.; Jack S. Krohmer, Ph.D.; Justin P. LeVasseur, M.D.; Odis R. Mack; Troy Marceleno, P.E.; Philip M. Wentworth	Thomas M. Burnette; Donald Butler; Earl P. Erdmann; Michael S. Ford, C.H.P.; David Henkes, M.D.; Bruce A. Matson, D.D.S.; Connie Rogers; William R. Underdown
January 29, 2000	Susan E. Best, M.D., Ph.D.; Thomas M. Burnette; Michael S. Ford, C.H.P.; David N. Henkes, M.D.; W. Kim Howard, M.D.; Glen K. King, D.V.M.; Dale E. Klein, Ph.D., P.E.; Jack S. Krohmer, Ph.D.; Bruce A. Matson, D.D.S.; Philip M. Wentworth	Jimmy L. Barker, P.E.; Donald Butler; Earl P. Erdmann; Justin P. LeVasseur, M.D.; Odis R. Mack; Troy Marceleno, P.E.; Connie Rogers; William R. Underdown
March 10, 2000 (Waste and Industrial Committee)	Jimmy Barker, P.E.; Earl P. Erdmann; Dale E. Klein, Ph.D., P.E.; Troy Marceleno, P.E.; Connie Rogers (Michael S. Ford, C.H.P. by conference call)	David N. Henkes, M.D.; Odis R. Mack
April 15, 2000	Jimmy Barker, P.E.; Thomas M. Burnette; Michael S. Ford, C.H.P.; David N. Henkes, M.D.; W. Kim Howard, M.D.; Dale E. Klein, Ph.D., P.E.; Jack S. Krohmer, Ph.D; Justin P. LeVasseur, M.D.; Odis R. Mack; Troy Marceleno; Bruce A. Matson, D.D.S.	Susan E. Best, M.D., Ph.D.; Donald S. Butler; Earl P. Erdmann; Glen K. King, D.V.M.; Connie Rogers; William R. Underdown; Philip M. Wentworth

Number of Meetings Attended

Member	Number of Meetings Attended - Total of 4	Percent Attended
Jimmy Barker, P.E.	3	75
Susan E. Best, M.D., Ph.D.	2	50
Thomas M. Burnette	3	75
Donald S. Butler	0	0
Earl P. Erdmann	1	25
Michael S. Ford, C.H.P.	3	75
*David N. Henkes, M.D.	3	75
W. Kim Howard, M.D.	4	100
*Glen K. King, D.V.M.	3	75
Dale E. Klein, Ph.D., P.E.	4	100
*Jack S. Krohmer, Ph.D.	4	100
Justin P. LeVasseur, M.D.	3	75
Odis R. Mack	3	75
Troy Marceleno, P.E.	3	75
Bruce A. Matson, D.D.S.	2	50
*Connie Rogers	0	0
*William R. Underdown, Jr.	0	0
Philip M. Wentworth	2	50

*Terms expired and members replaced (June 2000)

NOTE: Attendance is calculated based on 4 meetings and does not include July 22, 2000 meeting because of changes in membership. Terms of five members had expired and members were replaced in June 2000. Four of the five new members attended the July 22 meeting. In August, Donald Butler resigned from the board.

III. Board Actions

TRAB reviewed and evaluated state radiation programs and policies, provided technical advice and made recommendations on rules to Texas Department of Health, Texas Natural Resource Conservation Commission and Railroad Commission of Texas during FY 2000.

Recommendations to Texas Department of Health Regarding Rules

TRAB recommended proposal and adoption of the following rules by the Texas Board of Health:

25 T.A.C., Sections

289.201 - General Provisions for Radioactive Materials

289.202 - Standards for Protection Against Radiation from Radioactive Materials

289.204 - Fees

289.226 - Registration of Radiation Machines

289.227 - Use of Radiation Machines in the Healing Arts and Veterinary Medicine

289.228 - Use of Analytical and Other Industrial Radiation Machines

289.229 - Licensing and Radiation Safety Requirements of Accelerators, Therapeutic Radiation Machines, and Simulators

289.231 - General Provisions and Standards for Protection Against Machine-Produced Radiation

289.232 - Use of Dental Radiation Machines

289.251 - Exemptions, General Licenses, and General License Acknowledgments

289.252 - Licensing of Radioactive Material

289.253 - Radiation Safety Requirements for Well Logging

289.256 - Medical and Veterinary Use of Radioactive Materials

289.257 - Transportation of Radioactive Material

289.258 - Radiation Safety Requirements for Irradiators

TRAB reviewed and will continue to follow how rules will be implemented in Texas regarding the federal final rule of Health Care Financing Administration, 42 CFR Part 410, changes to "O. Diagnostic."

TRAB recommended TDH's professional licensure program to consider access to care in rural areas when defining training requirements; recommended not deleting "patient care" as a topic of training in 25 TAC Chapter 143 - Medical Radiologic Technologists.

Recommendations to Texas Natural Resource Conservation Commission Regarding Rules

TRAB recommended proposal and adoption of:

30 T.A.C., Sections
Chapter 37 on financial assurance relating to radiation
TAC 39 Public Notice
TAC 50 Action on Applications
TAC 281 Applications Processing
TAC 305 Consolidated Permits
TAC 336 Radioactive Substance Rules

TRAB Activities Regarding Railroad Commission

TRAB reviewed the progress of the Railroad Commission study of the effectiveness of its oil and gas NORM regulations being done as directed by the legislature.

TRAB Recommendations Regarding Radiation Policies and Programs

Physician's credentials for nuclear medicine

TRAB reviewed physician's credentials for nuclear medicine and advised that TDH staff decision was appropriate in denying the authorizations requested.

Radon in public drinking water systems

TRAB adopted letter to send to the governor regarding US EPA standards for radon in public drinking water systems. TRAB is advising that the governor and attorney general should consider challenging the federal law because of unwarranted expense compliance rules will require. TRAB is discussing the issue with the governor's policy office; a letter will be sent to governor and to the Texas Natural Resource Conservation Commission.

Public comment at TRAB meetings

TRAB adopted procedures for taking public comment in accordance with legislation in HB 2085.

Recommending mammography preceptors

TRAB discussed a policy for recommending mammography preceptors and took no action, but recommended TDH staff research the issue.

Procedures for approval of absences of members were adopted by TRAB

Approval of absences FY 2000

TRAB voted to disapprove absences of member Donald Butler; Mr. Bulter last attended in 1996. Mr. Butler resigned before TRAB chair had to report to the governor and attorney general that a grounds for dismissal existed.

Training and education of state radiation control program personnel

TRAB recommended funding and policy considerations to TDH Commissioner and chairs of House Appropriations and Senate Finance Committees and Environmental Regulation Committee.

25 TAC 289.254(b)(12) - Storage of Radioactive Waste

TDH staff prepared a "White Paper" asking how long the agency should allow a licensee to store waste provided there is a commercial waste disposal site available. TRAB held a public meeting; comments were heard from individuals who have knowledge of storage of radioactive waste throughout Texas. TRAB recommended a design life of 160 years for the facility with appropriate specifications for license renewal and inspection.

IV. Activities Anticipated

TRAB will be asked to make recommendations on proposal and adoption of rules and on policy issues.

Anticipated Issue for TRAB Recommendations

Topic	Activities Anticipated
Transportation of radioactive materials	Transportation issues regarding shipments of low-level radioactive waste throughout Texas to processing sites and to the Waste Isolation Pilot Plant in New Mexico.
Pantex (Department of Energy plant)	Continue to study the implications of the operations at the Pantex plant weapons dismantlement and storage plant in Amarillo and evaluate emergency response activities.
Rules for protection against radiation	Recommend revisions and new rules.
Fees	Annual evaluation and recommendations on fees.
Low-level radioactive waste disposal or assured isolation	Continue to make recommendations on radioactive waste site policy for Texas.
Low-Level Radioactive Waste Compact Commission	Policy, rules, and fee issues surrounding a radioactive waste disposal compact with Maine and Vermont; develop relation with compact commission.
Texas Natural Resource Conservation Commission	Review issues related to waste disposal as needed. Review study on radioactive waste options contacted for by the TNRCC.
Railroad Commission of Texas	Review rules on naturally occurring radioactive material (NORM) as needed. Review study on NORM to be conducted by commission.
Legislation	Continue to participate in hearings and discussions on legislation relating to radiation.

VI. Amendments to T.A.C. 25 TAC 289.130

Amendments are required as follows based on changes in legislation.

Change: (h) Officers. The board shall elect a chairman, vice-chairman and secretary at its first meeting after August 31st of each year. As of September 1, 1999, the governor shall designate the chairman to serve at the will of the governor.

To read: (h) Officers. The board shall elect a vice-chairman and secretary at its first meeting after August 31st of each year. As of September 1, 1999, the governor shall designate the chairman to serve at the will of the governor.

Change: (h) (3) The vice-chairman shall perform the duties of the chairman in case of the absence or disability of the chairman. In case the office of chairman becomes vacant, the vice-chairman will serve until a successor is elected to complete the unexpired portion of the term of the office of chairman.

To read: (h) (3) The vice-chairman shall perform the duties of the chairman in case of the absence or disability of the chairman. In case the office of chairman becomes vacant, the vice-chairman will serve until the governor appoints a successor.

Change: (h) (4) A vacancy which occurs in the offices of chairman, vice-chairman or secretary may be filled at the next board meeting.

To read: (h) (4) A vacancy which occurs in the offices of vice-chairman or secretary may be filled at the next board meeting.

Change: (j) (2) It is grounds for removal from the board if a member cannot discharge the member's duties for a substantial part of the term for which the member is appointed because of illness or disability, is absent from more than half of the board and subcommittee meetings during a calendar year, or is absent from at least three consecutive board meetings.

To read: (j) (2) It is grounds for removal from the board if a member:

- (a) does not have at the time of taking office the qualifications required
- (b) does not maintain during service on the advisory board the qualifications required
- (c) is ineligible for membership under the statute
- (d) cannot, because of illness or disability, discharge the member's duties for a substantial part of the member's term; or
- (e) is absent from more than half of the regularly scheduled advisory board meetings that the member is eligible to attend during a calendar year without an excuse approved by a majority vote of the advisory board.

VII. TRAB Expenses for FY 2000

Expense	Amount
Reimbursement of members	\$ 13,519.00
Staff time in support of the board	\$ 38,013.00
Other operating	\$ 728.00
TOTAL	\$ 52,260.00

Source: TDH Expenditure Allocations through August 2000 (estimated).